

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CV 16-704 PJK/WPL
CR 11-3108 PJK

JEROME YAZZIE,

Defendant.

ORDER STAYING CASE

Defendant Jerome Yazzie filed a motion to vacate or amend his sentence under 28 U.S.C. § 2255, based primarily on the argument that the Supreme Court's decision in *United States v. Johnson*, 135 S. Ct. 2551 (2015), is retroactively applicable to the United States Sentencing Guidelines on collateral review. (CV Doc. 1; CR Doc. 194.)¹ The United States responded that, as an initial matter, this case should be stayed pending the Supreme Court's resolution of *Beckles v. United States* (S. Ct. No. 15-8544), in which the Court will likely address the retroactive applicability of *Johnson* in Guidelines cases. (Doc. 9.) Yazzie did not respond.

The parties agree that, at a minimum, Yazzie is subject to a 32-year mandatory minimum sentence. (Doc. 1 at 1 n.1.) Yazzie was sentenced in 2012. Under the circumstances, I find that Yazzie will not be prejudiced by a stay of this case pending resolution of *Beckles*. Additionally, I find that it is in the interests of justice and judicial economy to impose a stay.

¹ All citations to "CV Doc." refer to documents filed in the civil case, CV 16-704 PJK/WPL. All citations to "CR Doc." refer to documents filed in the criminal case, CR 11-3108 PJK. Documents filed in both cases are cited by reference to the corresponding document in the civil case.

This is case stayed pending resolution of *Beckles*.

It is so ordered.

William P. Lynch
William P. Lynch
United States Magistrate Judge

A true copy of this order was served
on the date of entry--via mail or electronic
means--to counsel of record and any *pro se*
party as they are shown on the Court's docket.